

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF ECHOSTAR SATELLITE)	BRIEF IN SUPPORT OF
LLC OWNING THE TRADEMARK DISH)	MOTION FOR DISMISSAL
NETWORK'S FAILURE TO REGISTER AS A)	WITHOUT PREJUDICE
TELEMARKETER AND THE SOLICITATION)	
IT MADE TO THOSE REGISTERED ON THE)	TC06-191
DO NOT CALL LIST)	

COMES NOW Commission Staff (herein "Staff"), by and through its attorney, Kara Semmler, in support of its Motion wherein it requested the Public Utilities Commission dismiss the above captioned docket without prejudice. Staff is aware of a similar action in a national forum and believes South Dakota consumers will be best served if complaints are handled along with those collected by other states.

ARGUMENT

As the Commission is aware, Staff received nearly seventy complaints related in some way to the marketing of Dish Network television subscriptions. South Dakota is not the only state to have collected such complaints. Consequently, a multi-state investigation, outside the South Dakota PUC, was initiated and includes a review of EchoStar's telemarketing practices. The nature and details of the investigation are confidential. Staff cannot, therefore, give details beyond what has already been provided. The South Dakota complaints can, however, be included in the referenced non-PUC investigation. Staff believes the resources and combined state effort in the mentioned investigation make it the best forum for the affected consumers to obtain relief. More importantly, Staff believes the combined state effort will be most effective to modify EchoStar's practices if they are determined to be unlawful in any way.

Staff plans to stay informed regarding the status of the aforementioned investigation, and asks the Commission to give Staff the option to re-file its complaint with this Commission in the

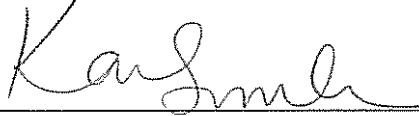
unexpected case the consumers who originally filed complaints with our office do not receive adequate assistance in the new forum.

CONCLUSION

Staff collected complaints and compiled data for over a year regarding the marketing of DishNetwork satellite television subscriptions. Due to the national presence of EchoStar, the current multi-state investigation with a national presence is the best venue for continued review of whether or not EchoStar can ultimately be liable for the calls made to consumers on the Do Not Call Registry. Staff, therefore, respectfully requests the Commission dismiss TC06-191 to allow the South Dakota complainants to proceed to resolution as part of a larger multi-state investigation.

Dated this 4th day of October, 2007

Commission Staff



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